

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NAUTILUS NEUROSCIENCES, INC.
and APR APPLIED PHARMA
RESEARCH SA,

Plaintiffs,

v.

WOCKHARDT USA LLC AND
WOCKHARDT LTD.,

Defendants.

Civil Action No.: 2:11-cv-01997-ES-SCM

NAUTILUS NEUROSCIENCES, INC.
and APR APPLIED PHARMA
RESEARCH SA,

Plaintiffs,

v.

WOCKHARDT USA LLC, and
WOCKHARDT LTD.,

Defendants.

Civil Action No.: 2:12-cv-01243-ES-SCM

JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Plaintiffs and Counterclaim-Defendants Nautilus Neurosciences, Inc. ("Nautilus") and APR Applied Pharma Research SA, ("APR," and, together with Nautilus, "Plaintiffs") and Defendants and Counterclaim-Plaintiffs Wockhardt USA LLC and Wockhardt Ltd. ("Defendants") for infringement of United States Patent Nos. 6,974,595; 7,482,377; 7,759,394; and 8,097,651 (the

“595 Patent,” the “377 Patent,” the “394 Patent” and the “651 Patent,” respectively and collectively, the “Patents”);

Nautilus, APR and Defendants have entered into a settlement agreement or related agreements under which Nautilus has granted Defendants a sublicense under the Patents (the “Sublicense”), pursuant to the terms and conditions in the settlement agreement and related agreements;

Plaintiffs and Defendants have further agreed to the imposition of a Permanent Injunction, pursuant to which Defendants may not commercialize their generic version of Nautilus’ branded Cambia product before the date specified in the sublicense agreement;

Defendants acknowledge that all the claims in the Patents are valid and enforceable with respect to the product of Wockhardt’s ANDA 202430; and

Defendants acknowledge that the filing of their Abbreviated New Drug Application 202430 (“Defendants’ ANDA”) describing a 50 mg strength diclofenac potassium powder for oral solution product infringed the Patents and, in the absence of the Sublicense, the selling, offering for sale, using and/or importing into the United States such a product (“Defendants’ Product”) would infringe each of the Patents.

Plaintiffs and Defendants now consent to this Judgment and Order and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. The Patents are each owned by APR and are each valid and enforceable with respect to Defendants’ Product.

3. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Defendants in this action with respect to infringement, validity or enforceability of any of the Patents, are dismissed with prejudice.
4. Defendants, their officers, agents, employees and those acting in privity or concert with them are hereby enjoined and estopped during the term of the Patents until the applicable license date of the Sublicense from making, using, selling, offering for sale within the United States or importing into the United States the diclofenac potassium powder for oral solution product described in ANDA No. 202430.
5. The foregoing injunctions against Defendants shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue generally with respect to each of the Patents until the expiration of such Patent, unless (i) earlier terminated or modified by further order of this Court, or (ii) until the applicable license date of the Sublicense.
6. This Judgment is binding upon and constitutes claim preclusion and issue preclusion with respect to infringement by the Defendants' Product between the parties in this action.
7. Nothing in this Judgment shall effect or otherwise delay the effective date of approval of ANDA No. 202430.
8. Nothing in this Judgment shall effect the "paragraph IV certifications" to the Patents in ANDA No. 202430, which paragraph IV certifications Defendants shall be entitled to lawfully maintain pursuant to its sublicense to the Patents.
9. The parties waive all right to appeal from this Judgment and Order.
10. This Court shall retain jurisdiction of this action and over the parties for purposes of enforcement of the provisions of this Judgment and Order.
11. Each party is to bear its own costs and attorney's fees.

Dated: July 3, 2013

By: s/Liza M. Walsh

Liza M. Walsh
Rukhsanah L. Singh
CONNELL FOLEY LLP
85 Livingston Avenue
Roseland, New Jersey 07068
Tel.: (973) 535-0500

Thomas J. Meloro
Eugene L. Chang
Michael W. Johnson
WILLKIE FARR &
GALLAGHER LLP
787 Seventh Avenue
New York, New York 10019-6099
Tel.: (212) 728-8000

*Attorneys for Plaintiffs
Nautilus Neurosciences, Inc.
and APR Applied Pharma
Research SA*

By: s/Leda Dunn Wettre

Leda Dunn Wettre
ROBINSON, WETTRE & MILLER LLC
One Newark Center, 19th Floor
Newark, New Jersey 07102
Tel.: (973) 690-5400

Jay R. Deshmukh
William R. Zimmerman
Thomas P. Krzeminski
William O. Adams
Jason A. Champion
KNOBBE, MARTENS, OLSON & BEAR
LLP
2040 Main Street, 14th Floor
Irvine, California 92614
Tel.: (949) 760-0404

*Attorneys for Defendants Wockhardt USA
LLC and Wockhardt Ltd.*

SO ORDERED:


Honorable Esther Salas
United States District Judge

Dated: 7/11/13